

REMARKS

Applicants have carefully considered the November 12, 2004 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 21-28 were pending in this application. In response to the Office Action dated November 12, 2004, claims 24-28 have been canceled, claims 21 and 23 have been amended and new claims 29-31 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 21, 22 and 25-28 were rejected under 35 U.S.C. § 102(e) as being anticipated over Shimizu et al. (U.S. Patent No. 6,511,183, hereinafter "Shimizu"). Claims 25-28 have been canceled and, therefore, the rejection is moot with respect to these claims. Moreover, claims 21 and 22, as well as newly added claims 29-31, are free from the cited reference.

Independent claim 21 describes, in pertinent part, a projection type image display apparatus, comprising an astigmatism corrector which is located between the reflection polarizing plate and the projection lens in a light path after being reflected by the reflection image display device. The light path differs from an incidence light path to the reflection image display device and the astigmatism corrector corrects astigmatism which occurs with the reflection polarizing plate.

Independent claim 29 describes, in pertinent part, a projection type image display apparatus, comprising an astigmatism corrector that corrects astigmatism which occurs with the reflection polarizing plate.

In contrast with the present claimed subject matter, Shimizu discloses a beam-shaping/astigmatism-compensating lens 526 in Fig. 7. The beam-shaping/astigmatism-compensating lens 526 acts to focus and coalesce the linearly polarized subbeams produced by the beam polarizer assembly 510 into a coalesced linearly polarized beam having an essentially rectangular cross-sectional shape. See Shimizu at col. 28, lines 26-35. Thus, it should be apparent that the lens 526 of Shimizu is different from the claimed (independent claims 21 and 29) astigmatism corrector which corrects an astigmatism that occurs with the reflection polarizing plate. The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. In view of the foregoing, there are significant differences between the claimed subject matter and the apparatus disclosed by Shimizu that would preclude the factual determination that Shimizu identically describes the claimed subject matter within the meaning of 35 U.S.C. § 102. Accordingly, the rejection of claims 21 and 22 should be withdrawn. Moreover, new claims 29-31 are patentably distinct from Shimizu.

Claims 21, 22 and 25-28 were rejected under 35 U.S.C. § 102(e) as being anticipated over Stahl et al. (U.S. Patent No. 6,661,475, hereinafter "Stahl"). Claims 25-28 have been canceled and, therefore, the rejection is moot with respect to these claims. Moreover, claims 21 and 22 and newly added claims 29-31 are free from the cited reference.

Stahl, at col. 6, lines 29-34, indicates that reference numeral 48, as shown in Fig. 1, denotes a pleochroic color filter for use in correcting astigmatism. Based on Fig. 1, the pleochroic color filter 48 can be interpreted such that it is a dichroic mirror having a function of merely reflecting the image light (color light) from the liquid crystal panel 26₃ and it has no relation with the image light (color light) from the liquid crystal panel 26₁. Another interpretation is that the pleochroic color filter 48 is an astigmatism-compensating element because it probably cancels the astigmatism of the image light (color light) from the liquid crystal panel 26₂ which occurs with the plate PBS 40. However, in the configuration shown in Fig. 1, the filter 48 acts as the astigmatism corrector for only the image light from the liquid crystal panel 26₂ and cannot correct the astigmatism associated with the image light from the liquid crystal panel 26₃ which occurs with the plate PBS 40. In addition, even if a astigmatism corrector is present, there may in turn arise a problem in that astigmatism associated with the illumination light is generated (for the liquid crystal panel 26₃, astigmatism associated with the illumination light is generated). The present claimed subject matter (claim 21) is different from Stahl's optical system configuration. Indeed, the present claimed subject matter is different from Stahl in the location of the astigmatism corrector. Claim 21 requires, *inter alia*, that the corrector is disposed on a projecting light path different from an incident light path to the reflection image display element. Applicants submit that Stahl fails to teach or remotely suggest this claim limitation. In view of the foregoing, there are significant differences between the claimed subject matter (claim 21) and the apparatus disclosed by Stahl that would preclude the factual determination that Stahl identically describes the claimed subject matter within the meaning of 35 U.S.C. § 102. Accordingly, the rejection of independent claim 21 and dependent claim 22 should be withdrawn.

Moreover, new claims 29-31 are patentably distinct from Stahl. Stahl does not appear to disclose or suggest a projection type image display apparatus, wherein a light from the illumination optical system is irradiated to the reflection image display device after being reflected in the reflection polarizing plate. Further, it appears that Stahl fails to disclose or remotely suggest an image light reflected by the reflection image display device that is irradiated on a working plane side of the reflection polarizing plate, and reaches the projection lens after passing through the reflection polarizing plate (Independent claim 29). Applicants submit that Stahl fails to identically describe the claimed subject matter within the meaning of 35 U.S.C. § 102. Accordingly, new claims 29-31 are patentably distinct from Stahl.

Dependent claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu et al. (U.S. Patent No. 6,511,183, hereinafter “Shimizu”) in view of Ishii (U.S. Pat. No. 6,669,344, hereinafter “Ishii”). Claim 24 has been canceled and, therefore, the rejection is moot with respect to this claim.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims 21 and 22 as anticipated over Shimizu. The secondary reference (Ishii) does not cure the argued deficiencies of Shimizu. As such, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed invention will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Thus, the rejection of claims 23 and 24 under 35 U.S.C. § 103(a) should be withdrawn.

Moreover, newly added claims 29-31 are free from the cited references. Shimizu is different from the claimed (independent claim 29) astigmatism corrector which corrects an

Application No.: 10/633,597

astigmatism that occurs with the reflection polarizing plate and Ishii does not cure the argued deficiencies of Shimizu. As such, claims 29-31 are patentably distinct over the cited references.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck

Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:idw
Facsimile: 202.756.8087
Date: February 14, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**